

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF ESTABLISHING A)	
POLICY GOVERNING THE APPOINTMENT)	ADMINISTRATIVE ORDER
AND USE OF HEARING OFFICERS FOR)	NO. 2005-020
SMALL CLAIMS AND CIVIL TRAFFIC)	
CASES IN THE JUSTICE COURTS)	
_____)	

IT IS ORDERED:

The following policy governs the appointment of hearing officers for calendar year 2005 with work commencing in 2006.

➤ QUALIFICATIONS:

Individuals seeking appointment as hearing officers shall meet the qualifications listed below:

1. Must be eighteen years or older;
2. A resident of Maricopa County for at least one year prior to appointment;
3. A qualified elector of Maricopa County;
4. Able to read and write the English language;
5. In the 12 months prior to appointment, the applicant must have completed the 16-hour course of instruction as required by the Supreme Court of Arizona in order to serve as a small claims hearing officer;
6. In the 12 months prior to appointment, the applicant must have completed the 20-hour course of instruction as required by the Supreme Court of Arizona in order to serve as a civil traffic-hearing officer.

➤ APPOINTMENT PROCESS FOR NEW APPLICANTS:

1. All applicants shall have a sponsoring Justice of the Peace;
2. Applications are available beginning July 1st through August 15th of each year;
3. Each applicant shall submit a written application not later than September 1st of each year to the sponsoring Justice of the Peace;
4. The sponsoring Justice of the Peace shall forward the application to the Associate Presiding Judge for Limited Jurisdiction Courts not later than September 15th of each year;
5. A list of all applicants will be made available to all Justices of the Peace not later than October one of each year;
6. All Justices of the Peace shall be permitted to object to the appointment of any applicant by written letter to the Associate Presiding Judge for Limited Jurisdiction courts not later than October 15th of each year;

7. The Presiding Judge of Superior Court shall approve or deny the applicant not later than November 15th of each year;
8. All approved applicants who will sit as a hearing officer for the first time or whom have not previously submitted to a background check shall be fingerprinted and shall have a criminal background check performed in accordance with new county employee policies not later than December 15th of the year approved;
9. Court Administration shall prepare a proposed administrative order for signature of the Presiding Judge of the Superior Court not later than December 20th of each year. The order shall list all approved hearing officers;
10. Court Administration shall provide a copy of the signed order listing all approved hearing officers to all Justice Courts not later than December 27th of each year;
11. Court Administration shall mail a letter to each applicant advising whether their application was approved or declined and, if approved, setting forth the type and term of the appointment; and finally
12. The term for each approved hearing officer shall begin on January 1st and end on December 31st of each year.

➤ REAPPOINTMENT PROCESS FOR EXISTING HEARING OFFICERS:

Hearing Officers who desire to be reappointed shall submit a short form application to the sponsoring Justice of the Peace not earlier than July 1st or later than August 15th the year preceding the calendar year for appointment. Reappointments shall be made for twelve months on a calendar basis. The requirements are as follows:

1. The candidate shall have heard at least 15 small claims cases, to be eligible for appointment as a Small claims hearing officer. 30 Civil Traffic cases to be eligible as a Traffic Hearing officer with in the 12 months preceding the July 1 reappointment process;
2. The candidate must have completed at least four (4)hours of continuing education as authorized by the Presiding Judge of the Superior Court in the 12 months preceding the July 1 reappointment process;
3. Court Administration shall make available to all hearing officers, the authorized continuing education classes for hearing officers at least three times each year and shall notify each hearing officer of these opportunities;
4. Court Administration shall notify each hearing officer of times classes are available for renewal;
5. The first class shall be made available in January 2005;
6. Each applicant for reappointment shall attach a copy of their certificate of attendance for the continuing education class with their application;
7. Each Applicant shall attach a letter from the sponsoring Justice of the Peace, which shall attest that they have observed or listened to a recording of the hearing officer in at least two hearings during the

preceding year and attest to his/her qualifications. The sponsoring Judge shall attest that he will use the hearing officer in his/her court.

8. The remaining process is consistent with items 4-12 for the appointment of new hearing officers.

➤ GUIDELINES FOR USAGE:

1. Hearing officers shall serve without pay;
2. Hearing officers shall serve at the pleasure of the sitting Justice of the Peace. A Justice of the Peace may, in his or her discretion and for any reason, decline to utilize any hearing officer; and
3. A Justice of the Peace may utilize any qualified and appointed hearing officer, whether or not sponsored by the Justice of the Peace, at any time, at the pleasure of the Justice of the Peace.

➤ PERFORMANCE EVALUATION:

A Justice of the Peace having concerns as to the conduct or actions of a hearing officer shall take appropriate action that may include the following:

1. Discuss and/or document the concerns with the hearing officers;
2. Discuss and/or document the concerns with the sponsoring Justice of the Peace;
3. Discuss and/or document the concerns with the Bench or Associate Presiding Judge for Limited Jurisdiction Courts;
4. Where deemed warranted, refer the matter to the Commission on Judicial Conduct; and finally
5. All documented concerns shall be forwarded to the volunteer coordinator for Justice Court Administration for inclusion in the hearing officer's file.

➤ PERSONNEL RECORDS:

1. The volunteer coordinator for Justice Court Administration (JCA) shall maintain a file on each hearing officer that shall be available for review by all members of the Bench or persons designated by the Presiding Superior Court Judge.
2. The personnel file shall contain the original application, all subsequent applications for reappointment and all written documentation forwarded to the volunteer coordinator for JCA concerning each hearing officer;
3. A copy of all written correspondence sent by members of the public, a judge or court employee concerning a hearing officer shall be forwarded to the volunteer coordinator for JCA for inclusion in the hearing officer's record;
4. A copy of any written correspondence concerning a hearing officer shall also be sent by JCA to the Sponsoring Justice of the Peace for any action deemed appropriate by the Justice of the Peace.

➤ CONDUCT OF HEARING OFFICERS:

All hearing officers shall conduct themselves in accordance with all laws and rules including the Judicial Canon of Ethics that governs Judges.

➤ LOG REQUIREMENTS:

Each hearing officer shall keep a log, on a form provided by Court Administration, documenting the case heard, its case number and the date of hearing. The form shall be kept by the hearing officer and submitted as part of the reappointment process. Each hearing officer is required to maintain a log to establish that during the preceding year they heard 15 small claims cases to be reappointed as a Small claims Hearing officer or 30 Civil Traffic cases were to be reappointed as a Civil traffic Hearing officer.

➤ FORMS:

Court Administration shall promulgate all required forms for distribution to each affected court along with directions for use and a copy of this policy.

➤ IMPLEMENTATION:

This Order is effective February 8, 2005, supercedes any prior order relating to the appointment of hearing officers for small claims and civil traffic cases in the Justice Courts, including Administrative Order number 2003-091 dated September 17, 2003, Amended Administrative Order number 2004-091 dated June 9, 2004, and Second Amended Administrative Order number 2004-091 dated June 16, 2004, and shall remain in effect until abolished.

Colin F. Campbell
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Charles E. Jones, Chief Justice, Arizona Supreme Court
David K. Byers, Administrative Director, Administrative Office of the Court
Marcus Reinkensmeyer, Trial Courts Administrator
Hon. Gerald Porter, Associate Presiding Judge, Limited Jurisdiction Courts
Brian Karth, Court Administrator for Limited Jurisdiction Courts
All Maricopa County Justices of the Peace